

[7th August 1950]

APPENDIX VI.

[Vide answer to starred question No. 8, asked by Sri R. Suryanarayana Rao, at the meeting of the Legislative Assembly, held on 7th August 1950, page 88, supra.]

G.O. No. 1097, Health, 25th March 1950.

[Town-planning—Report of the Madras Provincial Town-Planning Enquiry Committee—Recommendations—Orders passed.]

READ—the following paper :—

G.O. No. 3578, P.H., dated 29th October 1947.

Order—No. 1097, Health, dated 25th March 1950.

In October 1947, the Government constituted a committee to report on the amendments to the Town-Planning Act, 1920, with a view to ensure the expeditious execution of town-planning schemes, the methods of rationalising the levy of betterment contribution, the methods for organizing Town-Planning departments, the provision of adequate technical staff, the financing of schemes, etc., and also to draft, if considered necessary, a comprehensive Town-Planning Bill. The Committee has submitted a comprehensive report on all matters concerning town-planning. The Committee did not take up the task of drafting a comprehensive Bill as, in its opinion, the Government should take it up with proper technical and legal advice after the consideration of the report. It has, however, suggested certain amendments to the Town-Planning Act and the Town-Planning Rules. The Government have carefully examined the recommendations of the Committee and they proceed to pass orders on the recommendations as shown in the appendix to this order.

(By order of His Excellency the Governor)

T. M. S. MANI,
Secretary to Government.

APPENDIX.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- 1 Research on town-planning should be undertaken with special reference to town-planning in ancient India.
- 2 A simplified form of the general town-planning schemes should be adopted and the Madras Town-Planning Act, 1920, should be amended so as (a) to make the preparation, publication, sanction and enforcement of such schemes statutorily obligatory within a fixed time-limit, (b) to provide for the manner of preparation, publication, etc., as in the case of detailed town-planning schemes and (c) to include in the schemes, matters mentioned in section 4 of the Act.
- 3 It is desirable that a general town-planning scheme should be prepared in respect of every local area which is administered by either a municipal council or a panchayat board.
- 4 The preparation of the draft scheme (Master plan) should be carried out in the initial stages by the Director of Town-Planning, who should be given adequate technical and other staff as may be necessary.

Orders of Government.

(2)

The Government consider that it is not necessary for a State Government to undertake the research work in town-planning.

The Government consider that no time-limit need be fixed in the Act itself and that it would be sufficient to take power under the Act to fix such time-limit, as the Government may consider necessary from time to time, on the merits of each case. Subject to this, they propose to take steps to amend the Madras Town-Planning Act, 1920, with a view to give effect to the recommendation.

Under section 8 of the Act, it is obligatory on the part of municipal councils to prepare general town-planning schemes. The Government propose to make provision in the Town-Planning Act for compelling all panchayats, which are urban in nature and where staff and other facilities exist, to prepare general town-planning schemes.

The Government consider that schemes should be prepared by local authorities as at present with the assistance of the office of the Director of Town-Planning in difficult cases. But the position will be reviewed when the financial position of the State improves and the paucity of trained town-planning staff ceases to exist.

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(1)

5 The provisions of the Government Buildings Act, the Indian Railways Act, the Indian Electricity Act and other laws and rules which grant exemptions to all developments including building operations undertaken or carried out by Government departments, statutory undertakings or other public bodies from the Madras Town-Planning Act, 1920, the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, should be amended by deleting such exemptions.

6 Any transfer of property within the area of the general town-planning scheme should be registered by the Registration department only when it is accompanied by a certificate to be granted by the executive authority of the local planning authority, to ensure that the proposed transfer does not contravene any of the provisions of the general town-planning scheme or any detailed town-planning scheme sanctioned or under preparation or any of the provisions of the Madras Town-Planning Act, or any of the provisions relating to street making, layouts and building regulations, i.e., Chapters IX and X of the Madras City Municipal Act and the Madras District Municipalities Act.

7 The general town-planning scheme may be in respect of the entire municipal or panchayat area and a belt area all round and such suburban or satellite areas (if any), as may be necessary.

Orders of Government.

(2)

The schemes of Government departments are prepared by competent authorities and therefore the Government do not consider that it is necessary to accept this recommendation at present.

The matter is under consideration and orders will be issued separately.

The Government do not consider that they need take any action on this recommendation. The local authorities concerned should move the appropriate authorities for inclusion of the areas in their vicinity in the general town-planning schemes.

8 From the date of publication of a general Town-planning scheme, all developments shall be controlled by the executive authority on the lines of the draft scheme prepared by the Director of Town-Planning until the sanction of the final scheme by the Government. Thereafter, the control shall be exercised by the executive authority in accordance with the sanctioned scheme.

In view of the orders on item 2 above, no separate orders are required on this recommendation.

9 Any person, whose property is injuriously affected by any refusal to grant the permission applied for under the provisions of section 17 of the Act, shall, if he makes a claim for the purpose within the time, if any, limited by the general town-planning scheme not being less than three months after the date of publication of the final scheme, be entitled to obtain compensation in respect thereof from the local planning authority.

The object of the Committee will be achieved when action is taken as proposed under item 2 above.

10 (a) The Town-Planning Act should be made into a Town and Country-Planning Act, so as to be automatically applicable to any area within the Province.

The Government do not accept this recommendation. The action proposed under item 3 is adequate for the present.

(b) The extension of the principles of town-planning to the countryside and the undertaking of schemes for various regional areas can be achieved only by a more comprehensive Town and Country-Planning Act on the lines of the English Town and Country-Planning Act.

The Government do not consider that legislation as recommended by the Committee is necessary, in the financial and other conditions relating to staff, etc., existing in this State.

11 No scheme should be allowed to get time barred.

In view of the lack of qualified technical staff, the Government do not consider that any change in the existing procedure is feasible at present.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- 12 Consistent with the need for adopting a particular procedure, a great deal of simplification should be effected to expedite the sanction of a scheme and the rules may be revised suitably so that it may be possible for a scheme to be published and sanctioned within the period recommended by the Committee.
- 13 The schedule of ownership which accompanies a scheme should furnish the names of owners also as it would help people to know or identify their property much better than if only the survey numbers and extents are given. The local planning authorities should maintain a separate register for each scheme showing the correct names of owners incorporating the changes occurring from time to time.
- 14 Long delays now taking place with the Government and their departments after submission of the schemes should be avoided as far as possible.
- 15 Ordinarily about 150 acres would be a proper area for a detailed town-planning scheme subject to departures wherever necessary.
- 16 Slum clearance schemes, schemes for the improvement of insanitary and unhealthy areas, replanning or rebuilding of existing built-up areas, etc., can and should be undertaken under the provisions of the Town-Planning Act and that necessary amendments to the Act should be made.

Orders of Government.

(2)

The Government do not consider that any change in the existing procedure is necessary at present.

In view of the provisions of section 13 (1) (b) of the Town-Planning Act, no further action is required in respect of the first part of the recommendation. As regards the second part, the Government consider that in order to enable the arbitrator to give notices to the correct owners, it is necessary that the executive authority should maintain a separate register of all transfers of property intimated to him under rule 66 of the Town-Planning Rules and make a timely report of all such transfers to the Arbitrator after he is appointed. The question of amending the Town-Planning Rules in this regard is under consideration.

There are no avoidable delays at present.

The Government do not consider it desirable to have a fixed area for all town-planning schemes arbitrarily. They commend this recommendation to local bodies for adoption wherever possible.

Most of the types of schemes referred to by the Committee can be undertaken by the local planning authorities in accordance with the existing provisions in section 4 of the Town-Planning Act. The Government do not therefore consider that an amendment of the Act is necessary.

17 All land development, housing, slum clearance, etc., schemes undertaken by whatever authority should be approved by the Provincial Ministry of Government.

18 The Town-Planning Act should be suitably amended so as to define in a more specific manner the constitution and working of the Joint Town-Planning Boards, their jurisdiction and extent of authority over the area of the Joint Scheme, their Joint responsibilities and powers and also the specific type or types of Joint Town-Planning Scheme or Schemes that may be taken up by such Boards for preparation, execution and control.

19 If building applications are disposed of within the time prescribed, the chances of unauthorized buildings springing up will be lessened.

20 Adequate training facilities should be afforded to produce large number of competent architects, engineers, etc.

21 Steps should be taken to ensure that lay-outs and building plans are prepared by qualified Town-planning architects, engineers, draftsmen or surveyors licenced for the purpose. Provision should be made for the registration of qualified and licenced architects, etc.

The Government do not accept this recommendation as it will discourage private enterprise and will throw considerable unnecessary work on Government Departments.

The Government agree with the Director of Town-Planning that no action is required in this matter at present as various reforms in the field of local administration are under consideration.

All local bodies are informed that applications for lay-outs, street making and building constructions should be dealt with promptly and disposed of within the prescribed time-limit. If the applications, etc., are not disposed of within the prescribed time-limit, executive authorities should send a report to the Director of Town-Planning immediately who should investigate and report to Government if any further action is required.

The recommendation is under consideration and orders will issue separately.

All local bodies including panchayats are requested to adopt the model by-laws relating to licensed surveyors, etc., approved in G.O. No. 413, P.H., dated 13th December 1948.

The question of registration of qualified architects is under consideration.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- 22 Streets' appearance should receive adequate consideration.
- 23 The provisions contained in the Madras City Municipal Act, or the Madras District Municipalities Act regarding control or layout of towns and villages and street by-laws and Building Rules made under the Acts are inadequate and unsuitable to meet the modern town-planning requirements.
- 24 The need for incorporating the provisions relating to street control and building regulations in the Town-Planning Act itself should be examined in detail and should be gone into separately.
- 25 In all matters relating to laying out or subdivision of lands into sites for building purposes and of making streets by private parties or by private societies or firms, etc., the approval of the layouts should be by the executive authority and not by the municipal council or committee and in granting such approval the executive authority should consult the Director of Town-Planning and act upon his advice irrespective of whether such layout falls within a town-planning area or not. Provisions to this effect should be made in the expanded Town and Country-Planning Act.

Orders of Government.

(2)

Attention of the Madras Corporation and other municipal and panchayat authorities is invited to the provisions of sections 231 (1) (a) of the City Municipal Act and 193 (1) (a) of the Madras District Municipalities Act, 1920. The Government wish to impress on local bodies the need and importance of making use of these provisions. The Government consider that no specific orders are necessary in the matter. The local bodies should frame proper by-laws and when a 'Building Code' the preparation of which is engaging the attention of Government, is actually prepared, local bodies will have proper direction in the matter. The question of framing suitable by-laws to control development in Town-Planning and other areas and also of amending the Madras Town-Planning Act, 1920, the Madras District Municipalities Act, 1920, and the Madras City Municipal Act, 1919, in order to remove over-lapping of functions under present provisions will be considered after the proposed new Panchayats Act is passed and new panchayats have been constituted. Local bodies should strictly observe the instructions issued in G.O. No. 1920, Public Health, dated 26th May 1939. No amendment to the Town-Planning Act is considered necessary.

26 Housing occupies an important place in the framework of town and country planning and comprehensive housing legislation is required to secure co-ordination and for fitting the various schemes into the general framework of town-planning.

The recommendation is under the consideration of the Government.

27 The Town-Planning Act should be expanded so as to ensure proper and co-ordinated development of trunk roads and highways whether they run through or outside towns and villages and effective control of Ribbon Development which follows in the wake of the development of roads and communications throughout the province or country. Provision should be made in the Act for adequate means and facilities and power to secure such object under the schemes framed under the Act which may cover large areas through which the highways pass more or less for the various regions of the Province.

The matter is under consideration.

28 The determination of competing claims and the allocation of land for the various requirements must proceed on the basis of selecting the most suitable land for a particular purpose irrespective of the prevailing values and prospects attached to individual plots of land.

The Government consider that the existing provisions, particularly sections 4 (k) and (m) and 22 (l) of the Madras Town-Planning Act are quite adequate and they see no reason to accept the Committee's recommendation.

The law should be specific that no compensation for injurious affection shall be payable by a local planning authority as a result of such reservation and prevention of particular use of land.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- 29 The method of merely setting apart particular areas within the municipalities and the panchayat areas for industrial purposes under section 4 (k) and (n) of the Town-Planning Act will not properly and effectively meet the requirements and facilities needed for industrial development in this country which should be based on a more comprehensive and positive planning policy and programme.
- 30 The local planning authorities should make provision for the housing of industrial workers with a view to prevent the development of insanitary and congested choris and colonies in the vicinity of Industrial buildings. Suitable housing schemes should be formulated for this purpose by local planning authorities in co-operation with owners of industries.
- 31 The Town-Planning Act and the Rules should be amended to contain provisions in respect of all matters of town-planning which should be applicable to all kinds of development in towns and villages as a matter of normal requirement and enforceable throughout their areas irrespective of the existence or otherwise of a town-planning scheme.
- 32 Suitable rules which are of ordinary application in towns and villages may be made by Government for the normal regulation of development.

Orders of Government.

(2)

The Government do not consider it necessary to accept the recommendation. The question however as to whether prior approval of the Director of Town-Planning for lay-outs for factories is necessary is being examined separately.

The Government accept the recommendation. All local authorities are informed that while framing Town-Planning Schemes they should bear in mind the need for providing housing for industrial labour wherever possible.

The Government consider that most of the development contemplated by the Committee may be controlled by framing model by-laws and that the question of framing suitable by-laws may be taken up after the new Panchayat Act has come into force so that the enforcement of the provisions of the proposed by-laws may be entrusted to the proper authorities, namely, the Panchayats.

In view of the orders on recommendation No. 31 no action on this recommendation is necessary.

33 For the successful carrying into effect of a Town-Planning Scheme it is necessary that some control is exercised over development during the interim period between the notification under section 10 or 12 and until the scheme is prepared, published, submitted and finally sanctioned by Government under section 14, by making suitable amendments to section 17 of the Act. The Committee recommends that the section may be recast as follows:—

- (1) After the publication of a notification under section 10 or section 12, no person shall erect or proceed with any building or work on or enter into or carry out a contract in respect of land within the area included in the scheme unless he has applied for and obtained permission from the executive authority of the local planning authority.
- (2) If the executive authority omits for two months from the date of receipt of such application to communicate to the applicant any order thereon, or, if within the said period he has received an order which does not fully comply with the application, the applicant shall have a right of appeal to the local planning authority. Such an appeal shall be filed within thirty days from the date of the receipt of the order or from the date of expiry of the period of two months aforesaid, as the case may be.

The Government agree generally that suitable amendments to the Act are necessary. The question of amending the Town-Planning Act with reference to the recommendations is being pursued.



Recommendations of the Town-Planning Enquiry Committee.

(1)

- (3) Such planning authority shall pass on the appeal such order as it deems fit within two months from the date of receipt of such appeal. Such order shall be final. If, however, no such order is passed within the said period of two months, the applicant shall be deemed to have been granted the permission applied for.

The Committee also recommends that—

- (i) the reasons for refusing applications should be stated by the executive authority (or appellate authority);
- (ii) to overcome the difficulty in enforcing the orders of the executive authority a sub-clause (4) may be added to section 17 on the lines of section 19 (1);
- (iii) provision should be made to prevent the granting of conditional licences;
- (iv) provision should be made to overcome the difficulties created by the parties often raising legal objections and resorting to litigation with a view to gain time and to circumvent rules;
- (v) A short report or pamphlet giving a summary of the essential provisions and the powers under the Act and a clear statement about the proposed scheme should be prepared in consultation with the Director of Town-Planning, and placed at the service of members of the local authority and the owners of land and other interested persons.

ers of Government.

(2)

As regards item (v), executive authorities of local bodies are requested to prepare along with the preparation of Town-Planning Schemes a short report or pamphlet giving a summary of the essential provisions of the Act and a clear statement about the proposed scheme in consultation with the Director of Town-Planning and place it at the service of the members of the local authority and the owners of land and other interested persons.

34 In cases where a Town-Planning Scheme is being made by a local planning authority for an area outside its limits, the payment of licence fees cannot be insisted on and permission under the Madras District Municipalities Act or the Madras City Municipal Act is not necessary. The proper course in such cases is to extend to such areas the relevant provision of the Municipal Act.

35 Provision as in section 17 (as re-drafted by the Committee) should be included under section 18 for dealing with applications received after sanction. It is also necessary to make provision in section 18 to require the executive authority to state the reasons for refusing an application.

36 Section 19 of the Town-Planning Act should be entirely re-drafted as the wording of it is not quite happy and as it is vague and indefinite.

The Committee recommends that the following amendment may be made to section 19 :—

In sub-section (3) of section 19 the words “and may be enforced” in the first sentence, shall be deleted.

And the following sentence shall be inserted as the second sentence :—

“If such work is still not carried out within the time specified, the executive authority or responsible authority, as the case may

The Government consider that provisions of section 39 (3) of the Madras Town-Planning Act, may be availed of to secure the object which the Committee has in view. Local bodies should, when submitting draft Town-Planning Schemes for the sanction of Government, specify also the areas in respect of which the extension of the Madras City Municipal Act or the Madras District Municipalities Act, as the case may be, may be necessary.

The Government agree with the Committee. The question of amending the Town-Planning Act is under consideration.

The Government agree with the Committee. The question of amending the Town-Planning Act is under consideration.

be, may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default, and such expenses shall be a first charge on the property on which it is due subject to the prior payment of land revenue, if any, due to the Government thereon and shall be paid in such instalments and manner as may be prescribed."

37 A rule should be framed by Government that before the local planning authority submits a scheme for sanction its local officers such as Public Health, Engineering, etc., should be consulted.

38 A local planning authority must have a constructive programme for the execution of the works proposed in a Town-Planning Scheme within a period of two to five years or more according to circumstances and a chart or schedule showing the order in which the various items of work proposed in the scheme should be taken up and executed year after year and the possible means of financing these and the amount of loans, if any, required from time to time. Such programme should be prepared in advance and incorporated in the scheme and the local planning authority or responsible authority should be bound by the scheme to carry out the works according to such programme.

39 Section 22 of the Town-Planning Act may be amended with a view to avoid certain inconsistencies.

The Government do not consider that a rule need be made. All local planning authorities are requested to consult their local public health, engineering, and other concerned officers before they submit schemes for the sanction of Government.

The question of amending the Madras Town-Planning Rules with a view to give effect to this recommendation is under consideration.

The Government observe that the recommendations are based on a misapprehension of the provisions of the Act. They do not therefore consider that an amendment of section 22 of the Act is necessary.

40 No specific particulars or details are furnished in Town-Planning Schemes of the limitation and scope of the claims for injurious affection liable to be made by owners and other interested persons. It is desirable that the draft scheme gives as far as practicable full particulars of the limitation and scope of such claims and the local planning authority submitting the scheme should work out the details of the possible claims for such compensation and make adequate provision for them in the schedule of the estimate of cost.

41 The system of Arbitration provided in Chapter V of the Act should be eliminated and claims for compensation for injurious affection should be filed before the executive authority of the local planning authority in such manner as may be prescribed and he may be empowered under the Act to decide upon the claims made after making proper enquiries. The parties may be given a right of appeal to a Civil Court against the decision of the executive authority and the decision of the court shall be final and binding on all persons.

42 Claims for compensation for injurious affection must be made only when works under the scheme have been sufficiently advanced or completed and certified by a competent authority and within a period to be fixed in the scheme not exceeding two years from the date of obtaining such certificate. This period fixed in the scheme for making any claim for injurious affection shall be brought to the notice of the

The Government accept the recommendation. The question of amending the Madras Town-Planning Rules is under consideration.

The Government have decided that no change in the existing practice is necessary.

The Government accept the recommendation. The question of amending the Town-Planning Act and the rules framed under the Act with a view to give effect to this recommendation is under consideration.

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(1)

public in the notification of the Government sanctioning the scheme when it is published in the official gazette and also by publication of a notice in a local language newspaper.

- 43 Appeal to a Civil Court against the decision of the executive authority of a local planning authority in regard to the claims for injurious affection shall be made within sixty days from the rejection of the claim in whole or in part by the executive authority.

- 44 It should be open to the executive authority of a local body to enter into any agreement with a claimant in regard to the manner of payment of compensation whether by instalments or otherwise, or he may, instead of paying compensation adopt any other alternative method to avoid or mitigate payment.

- 45 The exact relationship that should exist between the executive authority and the local planning authority in the matter of disposal of claims for compensation should be specified to avoid future difficulties. In the settlement of claims for compensation the executive authority should be associated with a local committee of rate payers where such a committee already exists or which may be constituted for the purposes and such committee may be represented by Counsel before the executive authority or courts.

Orders of Government.

(2)

The Government do not accept this recommendation. The present limit of three months is not excessive.

The question of introducing a rule in the Town-Planning Rules with a view to give effect to the recommendation is under the consideration of the Government.

The Government do not accept this recommendation.

46 It is advisable wherever possible that in the interests of quick and easy preparation of schemes the local planning authorities should take up schemes for wholesale acquisition and development. This would go a long way to accelerate housing development.

47 Not only should a local planning authority have powers of compulsory acquisition of required lands in Town-Planning Schemes after their sanction but such powers should also be available even before the schemes are sanctioned or at any time after the first notification under section 10 or 12 has been made.

48 A local planning authority should be empowered to acquire land necessary for housing persons displaced by any Town-Planning Scheme (such rehousing being carried out as part of the scheme itself).

49 It is important that the lands required for a Town-Planning Scheme are acquired within the time specified in section 34 of the Town-Planning Act.

Local planning authorities are requested to take a comprehensive view in regard to the acquisition of land for town-planning purposes and to acquire as much land as will be required for the smooth execution of Town-Planning Schemes. The Government however consider that there can be no point in the local planning authorities acquiring land which is not likely to be needed for, or is not involved in the schemes.

The Government accept the recommendation. But they consider that the actual acquisition and the extent of land to be acquired should be decided with reference to the facts of each case, the funds available with the local bodies, the possibility of the danger of locking up of funds, etc. They consider that such power to acquire land should be exercised only with the sanction of the Government as usual.

The Government do not consider it necessary to approve the first portion of this recommendation. The question of amending the Town-Planning Act with a view to give effect to the latter part of the recommendation is under consideration. Necessary executive instructions in this regard will be issued after the Act has been amended.

The Town-Planning authorities should, with reference to the urgency of each case, press the authorities concerned to take further steps in the matter of acquisition of land. Each case will have to be dealt with on its merits.

Recommendations of the Town-Planning Enquiry Committee.

(1)

50 Section 34 of the Town-Planning Act may be amended extending the period of validity of the notification under section 14 of the Act as a declaration under section 6 of the Land Acquisition Act, from 3 years to 5 years.

51 There have been long delays in the time taken for the preparation, publication and sanction of schemes since the date of the first notification and it is recommended that certain modifications may be made to the existing procedure regarding payment of compensation, etc. It is suggested—

(1) in the case of all schemes notified under section 12 on or after 1st January 1944, the governing date for the payment of compensation should be the date of the first notification ;

(2) in the case of notifications made before 1st January 1944, but schemes not sanctioned till now the governing date for the payment of compensation should be the date of sanction of the schemes under section 14 whenever it may be ;

(of course, this recommendation will not affect cases which have been already sanctioned by Government though notified prior to 1st January 1944.)

Orders of Government.

(2)

The Government do not accept this recommendation.

The Government generally accept the recommendation.

The question of amending the Town-Planning Act with reference to this recommendation is under consideration. Necessary instructions in the matter will be issued after the Act has been amended.

(3) there is yet another class, i.e., schemes coming under sections 10 and 11 of the Act under which local planning authorities have published draft schemes under section 11, but because there is no provision to compel them to submit the schemes in any specified period, they have unduly delayed the submission of schemes and many years have passed since their publication under section 11. The same rules as stated above should apply for these cases also, viz., that if the section 10 notification was before 1st January 1944, then the governing date for compensation should be the date of sanction under section 14. If it is on or after 1st January 1944, then the governing date for compensation should be the date of section 10 notification.

52 In the interests of its present and future inhabitants the town or village should become the owner of land in undeveloped areas and suburban sections and thus influence their proper development.

The Government do not accept this recommendation.

53 (i) Adequate statutory provisions should be included in the Town-Planning Act for the various purposes of dealing with or disposal of land owned or acquired by local planning authority by lease sale or otherwise.

The Government do not accept this recommendation. The various statutory provisions now existing are sufficient.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- (ii) Adequate powers should be vested in the Government to control and regulate the manner or method of disposal of land and the imposition and enforcement of suitable conditions and restrictions in all cases of such disposal by local planning authority.
- 54 Local planning authorities must not pursue a highest bidder policy in disposing of their land and they should not become land speculating bodies.
- 55 The present provisions relating to betterment contribution in sections 23, 24, 25 and 26 of the Town-Planning Act are unsatisfactory under the existing conditions. Alternate proposals regarding the levy of development or improvement charges may be considered.
- 56 The entire provisions of sections 27 to 29 (the whole of Chapter V) of the Town-Planning Act relating to arbitration should be deleted and the remaining functions which an arbitrator has to perform at present relating to the demarcation of streets, roads and other reserved sites in schemes and also of redistribution of boundaries and reconstitution of plots should also be entrusted to the executive or responsible authority who is generally more conversant with local conditions. It is however suggested that the executive or responsible authority should be enjoined to strictly follow the provisions of the schemes and rules and Act in due consultation with or approval of the Director of Town-Planning. In

Orders of Government.

(2)

As there are already sufficient safeguards, the Government do not consider it necessary to accept this recommendation.

The Government generally accept the recommendation of the Committee. They are however inclined to accept Sri Suryanarayana Rao's view. The question of amending the Town-Planning Act is under consideration.

The Government do not accept the recommendation of the Committee that the entire provisions of sections 27 to 29 of the Town-Planning Act (Chapter V) relating to arbitration should be deleted. The Government are, however, convinced that the present system of arbitration requires some modifications and certain suggestions have been received for improving the present system. The question of amending the Town-Planning Act and the Madras Town-Planning Rules with reference to these suggestions is under consideration.

the case of any objection made by any party on the decision passed by the executive or responsible authority to the demarcation of streets, etc., or redistribution of boundaries or reconstitution of plots, an appeal shall lie to the Government or other specified authority whose decision shall be final and binding on all persons concerned. The Town-Planning Act may make suitable provision for the above matters.

57 The financial provisions in the Town-Planning Act have not been satisfactory and have rendered Town-Planning progress and advancement almost impossible. The State should intervene in the planning and development of our towns and villages, in the rebuilding of slums, improvement and reconstruction of houses, etc., by investment of considerable capital. Suitable provision should be made in the Town-Planning Act to enable every local body for the creation and maintenance of an adequate local Town-Planning fund for meeting the deficits on account of particular schemes and to collect a special Town-Planning tax on properties lying within the local body area and in such additional belt area in the vicinity of such local body area as may be notified by the Government under the Act for the purpose.

The Government are unable to accept the recommendation of the Committee.

Recommendations of the Town-Planning Enquiry Committee.

(1)

- 58 Provincial Government in addition to making contributions towards the Town-Planning Fund of Municipal Councils (as recommended elsewhere) should set apart annually a particular sum of money out of the Provincial revenues and constitute a Provincial Town-Planning Fund for the purpose of affording easy facilities to all local planning authorities to obtain the funds they require in connection with the schemes undertaken by them under the Town-Planning Act and for enabling the Government themselves to give loans or grants or such other aid as the case may be, out of such fund to the local planning authorities as and when necessary.
- 59 Steps should be taken by the Government to establish immediately a separate Ministry for Town and Country-Planning and Housing.
- 60 The creation of a combined Town and Country-Planning and Housing Board is necessary to co-ordinate the work of Town-Planning and Housing and to advise the Ministry of Town and Country-Planning and Housing in the formulation of policies and programmes of work.
- 61 The existing strength of officers and staff of the Directorate of Town-Planning and the scales of pay attached to the various posts are inadequate and meagre when compared with the responsibilities and duties attached to them. The Directorate of Town-Planning may be suitably reorganized.

Orders of Government.

(2)

The Government are unable to accept the recommendation.

The Government do not accept the recommendation.

The Government do not accept the recommendation.

The Government do not accept this recommendation. The question of amending the Town-Planning Act and the Town-Planning Rules with a view to give effect to certain suggestions made by the Bhore Committee in this regard will be taken up separately.

62 There should be proper and adequate organization in all municipalities and other local body areas for carrying out Town-Planning works efficiently and expeditiously.

The Government do not accept this recommendation.

(1) The Committee has recommended the organization required for the various classes of municipalities each under a qualified Town-Planning Officer and has suggested also the scales of pay to be allowed for the posts. The Committee has also made recommendations in paragraph 348 of its Report regarding the set up of the organization for the Corporation of Madras under a qualified Chief Town-Planner and Architect.

(2) All Panchayats with a population of 10,000 and above should employ adequate town-planning staff as recommended by it. It has also suggested that Government should take steps to group the remaining panchayats and rural areas and appoint staff on a district or regional basis to work under District Panchayat Officers or such other suitable agency as Government may direct.

(3) The Town-Planning Officer of each local body should work under the concerned executive authority and should deal with the Central Directorate only through the executive authority and vice versa.



[7th August 1950]

Recommendations of the Town-Planning Enquiry Committee.

Orders of Government.

(1)

(2)

63 With a view to overcome the difficulty experienced by the Government and the local bodies on account of the paucity of qualified persons for employment as Town-Planning subordinates, the following recommendations are made:

The matter is under consideration.

(i) Institution of degree, licentiate and refresher courses in Town and Country-Planning and other allied subjects in the Engineering Colleges. (The nature of study and syllabuses for the courses have also been suggested.)

(ii) Importation of persons with necessary qualifications, i.e., at least two Professors in the subject from England or outside, on contract basis for five years for employment in the Engineering Colleges.

(iii) Deputation of candidates for foreign training in Town-Planning. The Government should depute two Engineering graduates of Madras State every year for special study in Town-Planning and Architecture for a period of five years; i.e., a total of at least ten persons may be deputed.

64 The Government should take very early steps to establish an Institute of Town and Country-Planning and Architecture in Madras simultaneously with the institution of special degree and licentiate courses in Town and Country-Planning.

The Government do not accept this recommendation.

65 Proper publicity or education of Town and Country-Planning principles and policies should be undertaken for public benefit and enlightened public opinion must be created to ensure successful administration and planning results.

The matter is under consideration.

66 The Town-Planning Enquiry Committee is not in favour of the proposal for undertaking legislation for the purpose of constituting Improvement Trust Boards in municipal or other local areas. The Committee recommends instead that a separate Town-Planning Board may be created in respect of each local body area by altering the provisions of sections 37 and 45 to 54 of the Town-Planning Act. The Committee also recommends that suitable modification may be made of section 38 of the Act to provide for the constitution of Joint or Regional Planning Boards in respect of two or more local bodies on the same lines as those of the Town-Planning Boards for single local bodies. In exceptional cases Government may take power to create Town-Improvement Trusts on the lines of the Madras City Improvement Trust.

The Government do not accept this recommendation of the Committee.

It is however considered that in the event of the Director of Town-Planning bringing to the notice of the Government ineffective Town-Planning works in a municipality the Government may well constitute a Town-Planning Trust in consultation with the municipality concerned in accordance with the existing provisions contained in Chapter IX (sections 45 to 54) of the Town-Planning Act.

67 The levy of a provincial tax on the letting value of immovable properties or a similar tax on the capital invested on new buildings and extensions in urban areas as suggested by the Government will be burdensome and detrimental to house building.

The Government agree with the observation made by the Committee.